UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
vs.)
) No. 11-CR-10183-001-DPW
)
CASANDRA LITTLES,)
)
Defendant.)

BEFORE: THE HONORABLE DOUGLAS P. WOODLOCK

REVOCATION HEARING

John Joseph Moakley United States Courthouse
Courtroom No. 1
One Courthouse Way
Boston, MA 02210
March 17, 2015
2:05 p.m.

Brenda K. Hancock, RMR, CRR
Official Court Reporter
John Joseph Moakley United States Courthouse
One Courthouse Way
Boston, MA 02210
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APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE MA
By: AUSA Kenneth G. Shine
1 Courthouse Way
Boston, MA 02210
On behalf of the Plaintiff.

FEDERAL PUBLIC DEFENDER OFFICE
By: Jennifer C. Pucci, Esq.
District of Massachusetts
51 Sleeper Street
5th Floor
Boston, MA 02210
On behalf of the Defendant.

(The following proceedings were held in open court before the Honorable Douglas P. Woodlock, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Courtroom 1, Boston, Massachusetts, on Tuesday, March 17, 2015):

THE CLERK: All rise.

(The Honorable Court entered the courtroom at 2:05 p.m.)

THE CLERK: This Honorable Court is now in session. You may be seated.

This is Criminal Action 11-10183, United States v. Casandra Littles.

THE COURT: Well, where are we going to be going with this?

MS. PUCCI: Your Honor, my understanding is that Probation will be withdrawing IA, and that we will be admitting to the remainder of the violations, which include IB, II, III and IV.

THE COURT: So, what is the story on IA? Apart from withdrawing it, what is going on?

THE PROBATION OFFICER: Your Honor, the matter as noted in Violation IA is pending in the Lawrence District Court and is scheduled for a trial date of April 21st, 2015, so the matter, essentially, remains pending in state court.

THE COURT: So, what do we do about B, then? Isn't that a pending matter and not even yet the subject, at least as I read it, of some sort of charging document?

MR. SHINE: It's my understanding that there hasn't been a formal charge brought yet.

THE COURT: But you are not withdrawing, and she is prepared to stipulate to that?

MS. PUCCI: She is prepared to stipulate, your Honor.

There's no charge that I'm aware in either Florida or Massachusetts related to that case.

THE COURT: You do not anticipate one? We are talking about a $16,000 bad check.

MS. PUCCI: I haven't spoken to the Police Departments or the DA, so I don't know what will be coming down, your Honor. I know that they are aware of this proceeding. So, what effect that might have, I don't know. But I don't know the answer to whether they intend to charge.

THE COURT: Well, I am going to be asking her about the substance of that transaction. She is alleged to have written a $16,000 bad check as a down payment to finance the car. The car comes up here and is ultimately, as she put it, "gotten rid of" up here. If she answers that that is the case, that is more than an admission. It is a confession. I just want to be sure she knows what she is doing here.

MS. PUCCI: I understand. I can talk to her about it again briefly, your Honor.

THE COURT: All right.

(Counsel conferred with defendant off the record)

MS. PUCCI: Okay. Thank you, your Honor. We do want to proceed. She understands.

THE COURT: Is there some resolution the parties are going to be pressing?

MR. SHINE: The Government's view, if we are moving on to sentencing --

THE COURT: I just want to understand so that Ms. Little understands what the range of consequence will be.

MR. SHINE: It's the Government's view that this type of violation, based upon her existing record, is a Grade B violation, and that the range, the advisory guideline range, is 12 to 18 months.

THE COURT: That is for the IB?

MR. SHINE: That is correct. And that, upon the finding of this Court, the stipulation and the finding of this Court, the Government will be seeking to have a committed sentence, and that the balance of any supervised release be terminated -- I'm sorry -- in this case it will be probation and be terminated.

THE COURT: You mean you are going to seek probation in this?

MR. SHINE: I'm not going to seek probation. I'm looking for a committed sentence on this, and that any balance left over -- it would determine discharge upon --

THE COURT: How much --

MR. SHINE: Well, the Government in this case is asking for six months' imprisonment.

THE COURT: And, apart from the termination of supervision, what would be left over under those circumstances?

MR. SHINE: Up to three years of supervised release.

So, the Government's view is we want the Court to sentence her for six months, and then there will be a period of three years of supervised release. Oh, I'm sorry.

(Counsel conferred with Probation Officer off the record)

MR. SHINE: I'm sorry. I apologize. The Government is asking for six months. The Court could impose that sentence and a period of supervised release to follow of up to three years. We are not asking for any period of supervised release to follow.

THE COURT: Could I impose a period of three years, or does it have to be 30 months?

MR. SHINE: No. You can impose a period of three years.

THE COURT: So, the Probation Office just wants to cut Ms. Littles loose?

MR. SHINE: That would be an absolute correct statement. They just believe that enough is enough, and that -- if I could just go into it in just a little bit of detail. This is not her first rodeo, this is not her first time before a Court on similar activity. The purpose of the probation -- she did not get a committed sentence from this Court. The purpose of the probation was to prevent from her re-offending and to keep her on the straight and narrow. This type of offense that happened, this was a setup. This wasn't going to Macy's and shoplifting a set of shoes or something small, trivial stuff. This was a full-fledged effort.

She went to another jurisdiction, Florida. Now, in Florida, she scammed the check, knowing there was no funds in the check, took the car, drove the car up here. Now, in Florida, when you buy a car they give you plates. So, she had a valid plate and drove the car up here. I believe the record would show she purchased the car on the 9th of December and then traded it, along with another car, to purchase a third car from a dealership in Tewksbury. They, then, paid off the car so that the dealer down in -- he's got the car, he's whole, but the dealer down in Florida is out $16,000 and some change, and they are going to have to bring an action in order to get that.

This goes beyond. This was a conscious plan and effort, and Probation just feels that, "There's nothing we can to, we have tried everything, and, despite our best efforts and the resources we've spent, she goes and pulls this."

And, again, it's not a trivial thing, and, although a six-month period is the mid-range of her advisory *Guidelines*, Probation just feels that's an appropriate sentence, based on all the facts and circumstances we are aware of.

Thank you, sir.

THE COURT: So, Ms. Pucci, I want your client to be aware that I am going to consider very serious consequences here.

She may or may not consider herself not exposed on the transaction in Florida to the Florida criminal process. That may or may not be true. I do not know what their case load is or not. They may think that whatever I do is sufficient for their purposes. She may be laboring under the assumption that the case in Lawrence District Court will drop out because there is some consequence in this case. Again, I do not know.

But I do know this: I gave her a period of five years of probation. The assumption was that she was going to use that productively. From my perspective, it was a lenient sentence at the time, and from this perspective now it was an improvidently lenient sentence on this. So, she can accept the sanctions or stipulate to the violation, but I want her to understand that she is facing serious consequences in this, which may or may not be the recommendation of the Government or limited to the recommendation of the Government.

MS. PUCCI: Right. We have talked about it, your Honor, but I will briefly check in with her, if it's okay with you.

THE COURT: Yes.

(Counsel conferred with defendant off the record)

MS. PUCCI: Thank you, your Honor.

THE COURT: Ready to proceed?

MS. PUCCI: I'm sorry?

THE COURT: Ready to proceed?

MS. PUCCI: Yes, we do want to proceed.

THE COURT: I am going to ask Mr. Lovett to swear Ms. Littles, and I will ask her some questions.

DEFENDANT CASANDRA LITTLES, DULY SWORN BY THE CLERK

THE COURT: You may be seated, Ms. Littles.

The purpose of this hearing is to satisfy me that what appears to be your intention to plead guilty, or, more accurately, to stipulate to responsibility with respect to certain violations of your terms and conditions formerly of probation -- in order for me to be satisfied about that, I have to ask you some questions, and some of the questions are personal in nature. You will understand I am not trying to delve into your personal life except as it makes it possible for me to determine that you know what you are doing and what you are doing is voluntary.

Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: You are going to have to speak up so that the court reporter --

THE DEFENDANT: Yes, sir. I'm sorry. Yes, sir.

THE COURT: Now, how old a woman are you?

THE DEFENDANT: Fifty-three.

THE COURT: How far did you get in school?

THE DEFENDANT: I received my GED, and I also have an Associate's.

THE COURT: And what have you been doing for a living for the past four or five years?

THE DEFENDANT: I have been working. For the last three years I have been working --

THE COURT: Doing what?

THE DEFENDANT: -- and going to school.

THE COURT: What kind of work have you been doing?

THE DEFENDANT: Customer service work and also medical records technician.

THE COURT: And where have you been going to school?

THE DEFENDANT: Northern Essex and Middlesex Community College.

THE COURT: What is the course of study that you are following there?

THE DEFENDANT: My first course was to be a nurse, and, because of my criminal background, I was unable to get the nurse's registry, but I did get Certified Nursing Assistant.

THE COURT: Have you done any nursing?

THE DEFENDANT: Yes, I have.

THE COURT: Now, do you have any problem with substance abuse, either drugs or alcohol?

THE DEFENDANT: No, sir.

THE COURT: Are you seeing a physician for any kind of physical problem?

THE DEFENDANT: Yes, sir.

THE COURT: What?

THE DEFENDANT: I have been diagnosed with cancer.

THE COURT: For how long has that diagnosis continued?

THE DEFENDANT: Since last year. Not last year, I'm sorry. First diagnosed in 2013, and it progressed in 2014. I had surgery.

THE COURT: And what is the form of cancer?

THE DEFENDANT: It was ovarian and cer- --

THE COURT: Cervical?

THE DEFENDANT: -- uterine.

THE COURT: And you have had surgery. Has that surgery brought the cancer under control?

THE DEFENDANT: It brought the ovaries, the ovary under control, but the tumor came back on the colon.

THE COURT: And are you seeing a physician for that now?

THE DEFENDANT: Yes, I am.

THE COURT: And what course of treatment has the physician got you on?

THE DEFENDANT: I get radiation once a month, and I also have regular appointments with my PCP doctor.

THE COURT: Now, that experience of confronting and dealing with a difficult medical problem, is that interfering with your ability to make a clear-eyed judgment about pleading guilty or, more accurately, accepting responsibility for a very serious set of violations?

THE DEFENDANT: Yes, I accept responsibilities, your Honor.

THE COURT: I understand that you intend to do that. The question is whether or not the fact that you are facing this kind of medical problem is interfering with your ability to make a clear-eyed judgment about this.

THE DEFENDANT: To be honest, your Honor, I don't really know. I don't know, your Honor. I'm sorry.

THE COURT: Well, I appreciate it. That is why I ask the questions.

I am not going to accept responsibility on this in this setting, so the question is what do we do from here? I am satisfied that Ms. Littles would like to get this over with. I am not sure that she knows what "getting it over with" means and is sufficiently capable of understanding what the consequences could be for her, but simply that she wants to put something else behind her.

So, what is the view of the Government to go forward on this? But it is going to have to be by litigation. I am not going to accept it by her agreement. If you want to think about it, that is fine.

MR. SHINE: I think I need a few moments to step back.

THE COURT: Well, I have another matter on. We can get back here at 3:00, 3:30.

MR. SHINE: 3:00 would be fine. Thank you, your Honor.

THE COURT: There is processing cases, and then there is dealing with someone who I am not satisfied is in a position to knowingly and intelligently choose to accept responsibility.

MR. SHINE: So, we were just provided some medical records as we walked in the door, and I haven't had a chance to digest them. I think we need another date, because I have done a quick look at these records, and what she just indicated and what my quick reading of the records is, there are some real differences here as to what her course of treatment is and any diagnosis.

So, could we put it over, perhaps, 30 days, and I could have a chance to digest this, confirm these records, and perhaps come in with a different approach or be in a better position to educate the Court, if that's acceptable.

THE COURT: All right.

Ms. Pucci.

MS. PUCCI: That is fine. I do want to say I gave them those medical records. It is a slice of records just reflecting some of last year's treatments. So, it's true I actually ordered everything, but, due to the tight turnaround, we didn't get the most recent records.

THE COURT: At this stage, if I am going to proceed on this, I am going to do it by a fact-finding as to which she can respond or not. That is her view. But I am not satisfied that she is making a knowing and intelligent choice to admit. It seems more in the nature of acquiescence than admission, for which I am not going to be imposing a sentence on mere acquiescence, which could be a serious sentence.

MR. SHINE: I think that's fair, your Honor. Thank you.

MS. PUCCI: So, we pick another date?

THE COURT: Yes.

(The Court conferred with the Clerk off the record)

THE COURT: 2:30 on April 24th.

MR. SHINE: Can we block at least an hour, in case the Government is required to -- block an hour off so that we would have -- if we need to call witnesses --

THE COURT: Yes. I have the afternoon open. I have another trial in the morning. I was trying to capture some time for myself to refresh myself about the case, too.

MR. SHINE: Thank you, your Honor.

THE COURT: But we will do it in the afternoon.

MS. PUCCI: Okay. 2:30 on the 24th?

THE COURT: And just so I am clear on the matter in the State Court, in the Lawrence District Court, what's the next date?

MR. SHINE: The next date on this, according to our record, is 4/21/15. So, I will monitor that and be in the position of informing the Court of the status of that.

THE COURT: All right. I guess I do have a question, which is -- Well, I will wait and see on that.

MR. SHINE: Okay. Thank you very much, your Honor.

THE COURT: All right.

(WHEREUPON, the proceedings adjourned at 2:30 p.m.)

C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of *United States v. Casandra Littles*, No. 11-CR-10183-001-DPW.

Date: April 22, 2015

/s/ Brenda K. Hancock
Brenda K. Hancock, RMR, CRR
Official Court Reporter